



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 16 जनवरी, 1982/26 पौष, 1903

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATION

Stmla-171002, the 18th November, 1981

No. LLR-E(9) 10/81.—The following Act recently passed by the Parliament, assented to by the President and published in the Gazette of India, Extraordinary, Part-II, Section 1, dated the 23rd September, 1981 as Act No. 40 of 1981, is hereby republished in the Rajpatra, Himachal Pradesh for the general information of the public:—

The Essential Services Maintenance Act, 1981 (Act No. 40 of 1981).

G. S. CHAUHAN,
Under Secretary.

THE ESSENTIAL SERVICES MAINTENANCE ACT, 1981

AN

ACT

to provide for the maintenance of certain essential services and the normal life of the community.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. Short title, extent, commencement and duration. — (1) This Act may be called the Essential Services Maintenance Act, 1981.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir in so far as it relates to any essential service connected with matters with respect to which Parliament has no power to make laws for that State.

(3) Sections 8 and 9 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 26th day of July, 1981.

(4) It shall cease to have effect on the expiry of four years from the date on which this Act receives the assent of the President except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply upon such cesser of operation of this Act as if it had then been repealed by a Central Act.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “essential service” means—

- (i) any postal, telegraph or telephone service, including any service connected therewith;
- (ii) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to make laws;
- (iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971 (43 of 1971);
- (iv) any service in, or in connection with the working of, any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port;
- (v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;
- (vi) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;
- (vii) any service in any establishment or undertaking dealing with the production of goods required for any purpose connected with defence;
- (viii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends.

Explanation.—For the purposes of this sub-clause, the expressions “industrial” undertaking” and “scheduled industry” shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

- (ix) any service in or in connection with, the working of any undertaking owned or controlled by the Central Government being an undertaking engaged in the purchase, procurement storage, supply or distribution of foodgrains;
- (x) any service in, or in connection with the working of, any system of public conservancy, sanitation or water supply, hospitals or dispensaries, in any Union territory, cantonment area or undertaking owned or controlled by the Central Government;
- (xi) any service in connection with or in relation to banking;
- (xii) any service in any establishment or undertaking dealing with the production, supply or distribution of coal, power, steel or fertilizers;
- (xiii) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;

- (xiv) any service in any mint or security press,
- (xv) any service in connection with elections to Parliament or to the Legislatures of the States;
- (xvi) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses;
- (xvii) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;

(b) "strike" means the cessation of work by a body of persons while employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept work assigned, and includes—

- (i) refusal to work overtime where such work is necessary for the maintenance of any essential service;
- (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service;

(c) words and expressions used in sections 8 and 9 and not defined, but defined in the Industrial Disputes Act, 1947 (14 of 1947) shall have the meanings respectively assigned to them in that Act.

(2) Every notification issued under sub-clause (xvii) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of forty days shall be reckoned from the later of those dates.

(3) Any reference in this Act to any law which is not in force in any area and to any authority under such law shall, in relation to that area be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

3. Power to prohibit strikes in certain employments.—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. Dismissal of employees participating in illegal strikes.—Any person,—

(a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike; or

(b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. Penalty for illegal strikes.—Any person who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. Penalty for instigation, etc.—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. Penalty for giving financial aid to illegal strikes.—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. Power to prohibit lock-outs in certain establishments.—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit lock-outs in any establishment pertaining to any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons effected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no employer in relation to an establishment to which the Order applies shall commence any lock-out;

(b) any lock-out declared or commenced whether before or after the issue of the Order by any employer in relation to an establishment to which the Order applies shall be illegal.

(5) Any employer in relation to an establishment who commences, continues or otherwise acts in furtherance of a lock-out which is illegal under this section, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

9. Power to prohibit lay-off in certain establishments.—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit lay-off, on any ground other than shortage of power or natural calamity, of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any establishment pertaining to any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no employer in relation to an establishment to which the Order applies shall lay-off or continue the lay-off of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of such establishment unless such lay-off is due to shortage of power or to natural calamity and any laying-off or continuation of laying-off shall, unless such laying off or continuation of laying-off is due to shortage of power or to natural calamity, be illegal;

(b) a workman whose laying-off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off,

(5) Any employer in relation to an establishment who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

10. Power to arrest without warrant.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

11. Offences to be tried summarily.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act shall be tried in a summary way by any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction of any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

12. Act to override other laws.—The provisions of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force.

13. Amendment of Act 41 of 1980.—During the continuance in force of this Act, the Essential Services Maintenance (Assam) Act, 1980, shall have effect as if,—

(a) in section 2,—

(1) in sub-section (1),—

(i) clause (a) had been omitted;

(ii) for clause (b), the following clauses had been substituted, namely:—

‘(b) “essential service” means—

(i) any transport service for the carriage of passengers or goods by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;

- (ii) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;
- (iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;
- (iv) any public services and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;
- (v) any other service or employment or class thereof, connected with matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;

(bb) "State Government" means the State Government of Assam;";

(2) in sub-section (2), for the words, brackets and figures "under sub-clause (xiv)", the words, brackets and figure "under sub-clauses (v)" had been substituted;

(b) in sections 3 and 9, for the words "appropriate Government", wherever they occur, the words "State Government" had been substituted.

14. Repeal and saving.—(1) The Essential Services Maintenance Ordinance, 1981 (10 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

HIMACHAL PRADESH STATE LOTTERIES

Himalayan Weekly

Result of 68th draw held at Simla on 12-1-1982.

First Prize	:	(1)	Rs.	1,25,000.00	HC-332939
Consolation Prize:		(2)	Rs.	1,000.00 each	HA-332939 HB-332939
Second Prize	:	(3)	Rs.	10,000.00 each	(One in each series)
		HA		HB	HC
		489378		254355	492550
Third Prize	:	(60)	Rs.	1,000.00 each	(All the ticket numbers ending with the last five digits in all series).
		25371		45009	22434
					84988
					37214
Fourth Prize	:	(120)	Rs.	500.00 each	(All the ticket numbers ending with the last five digits in all series.)
		96204		77874	61380
		81774		11470	47064
					44375
					27835
					39865
					89986

Fifth Prize : (2400) Rs.		50.00 each	(All the ticket numbers ending with the last four digits in all series.)	
1859	1134	7365	1884	1364
1867	6507	5853	5377	3364
4600	7354	4644	4021	6276
8340	4651	0112	1563	1046
Sixth Prize : (2400) Rs.		20.00 each	(All the ticket numbers ending with the last four digits in all series.)	
9295	1537	8038	8439	9041
8557	3638	5709	9531	7562
7303	0540	2670	4428	1834
3609	2557	6845	1833	7253
Seventh Prize : (24000) Rs.		10.00 each	(All the ticket numbers ending with the last three digits in all series.)	
338	447	468	413	308
216	850	353	517	255
358	347	025	203	138
250	605	927	356	777

Note.—The Directorate of State Lotteries will not be responsible for any mistake in printing. In case of doubt, please refer to the State Gazette. For preferring claims of prizes, please follow instructions on the reverse of the lottery tickets.

NEXT DRAW ON : 19-1-1982

1st Prize : Rs. 1,25,000.00 2nd Prize (3) : Rs. 10,000.00 each
and thousands of other Attractive Cash Prizes.

Total Prize Money:	TICKET : Re. 1/-	Total Number of Prizes
Rs. 6,85,000.00		28,986

HIMALAYAN WEEKLY DRAW EVERY TUESDAY

For Terms and Conditions of Lottery Agency, please contact our SOLE SELLING AGENTS:

M/s NIRMAL AGENCY,
242/1, Triplicane,
Madras-600005.

P. I. SUVRATHAN,
Director,
State Lotteries, Himachal Pradesh, Simla-171002.

Simla-171002 :
the 12th January, 1982

